

REMARKS

Claims 1 and 3-7 are pending. The Office Action dated October 4, 2005 has been carefully considered. Claims 2 and 8-28 have been cancelled in this response. Claims 1 and 6 have been amended in this response. Reconsideration and allowance are respectfully requested in light of the following remarks.

Claims 1, 3-7 stand rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 6,047,499 to Staas ("Staas"). Insofar as they may be applied against the Claims, these rejections are deemed overcome.

Rejected independent Claim 1 as now amended more particularly clarifies one of the distinguishing characteristics of the present invention, namely, "*said upper surface sloping downward toward said drain.*" (Emphasis added.) Support for this Amendment can be found, among other places, on page 9, lines 26-28 of the Application as originally filed.

Regarding Claim 1, Staas was cited as assertedly fully disclosing the following: (1) a bottom having an upper surface and a lower surface; (2) one or more side walls extending upwardly from the bottom of the tray to form a container; and (3) a drain having an opening formed in said tray, at least a portion of the drain opening positioned at or below the level of the upper surface of the bottom of the tray.

Staas does not suggest, teach, or disclose an upper surface of a bottom of a tray sloping downward toward a drain. Specifically, Staas discloses a saucer for a potted plant comprising a bottom wall and a sidewall joined at its lower edge to the periphery of the bottom wall and sealed thereto and defining therewith a reservoir for receiving water for a potted plant supported on the bottom wall of the saucer, together with means for controlling discharge of water from the reservoir.

In view of the foregoing, it is apparent that the cited reference does not disclose, teach or suggest the unique combination now recited in amended Claim 1. Applicants therefore submit that amended Claim 1 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicants respectfully request that the rejection of amended Claim 1 under 35 U.S.C. § 102(b) in view of Staas be withdrawn and that Claim 1 be allowed.

Claims 3-7 depend on and further limit Claim 1. Hence, for at least the aforementioned reasons, these Claims should be deemed to be in condition for allowance. Applicants respectfully request that the rejections of dependent Claims 3-7 also be withdrawn.

Claim 6 stands objected to because of an informality. Accordingly, Claim 6 has been amended to replace the phrase "said exit" with the phrase "said opening." Applicants respectfully request that the objection to amended Claim 6 be withdrawn.

Applicant has now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1 and 3-7.

Applicant hereby requests an extension of time for making this reply and encloses a check in the amount of \$510.00 for an extension of time for making this reply. Applicant does not believe that any other fees are due; however, in the event that any other fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

ATTORNEY DOCKET NO.
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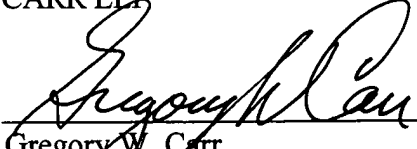
PATENT APPLICATION
SERIAL NO. 10/694,067

Should the Examiner require any further clarification to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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